Remarks/Arguments

Claims 1-22 have been amended.

The Examiner has rejected applicant's claims 1, 4, 6, 8, 11, 13, 15, 18, 20 and 22 under 35 U.S.C. §102(b) as being anticipated by the Takei (US 5,831,672) patent. The Examiner has also rejected applicant's claims 5, 12 and 19 under 35 U.S.C. §103(a) as being unpatentable over the Takei patent. With respect to applicant's claims, as amended, this rejection is respectfully traversed.

Applicant's independent claims 1, 6, 8, 13, 15, 20 and 22 have been similarly amended to better define applicant's invention. More particularly, looking at amended claim 1 as representative, this claim recites a white balance correcting device for correcting white balance of picked-up image signals in which an an image pickup device picks-up image signals and a peak value acquiring part acquires a peak value of brightness and color signal values corresponding to the peak value of brightness obtained in a predetermined region of the image signals by the image pickup device. An average value calculating part calculates an average value of brightness and average values of color signal values obtained in a predetermined region of the image signals by the image pick-up device.

A comparison part makes a comparison between brightness information of the average value and the peak value and a selection part selects either of the values obtained by the average value calculating part or the values obtained by the peak value acquiring part according to the comparison result by the comparison part. Finally, a white balance control part controls white balance on the basis of the values selected by the selection part. Such a construction is not taught or suggested by the Takei patent.

In applying the Takei patent, the Examiner argues as follows:

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". . . The maximum brightness level is calculated based on whether or not the block was in the white extraction region. Furthermore, each block is evaluated individually for white extraction therefore suggesting that the maximum brightness level is computed individually for each block and then an average ([R(Ymax, B(Ymax]) is found for the maximum brightness levels of the blocks that were considered to be within the white extraction range."

In the Takei patent, as stated in column 15, a first calculation is made (i.e., average of Y, R-Y, B-Y, column 10, lines 1-11) to obtain white extraction data Ravr(w) and Bavr(w) only for certain regions of a frame (column 10, lines 16-19) and a "second calculation is performed to extract data of a region corresponding to the maximum brightness level, of the <u>data group of the regions subjected to white extraction in the first calculation group</u>." Thus, the <u>regions</u> for which the data R(Ymax) and B(Ymax) in the Takei patent are determined is based on the <u>white extraction data of the first calculation</u>.

The Takei patent, therefore, does not teach or suggest that the values R(Ymax) and B(Ymax) be determined for a <u>predetermined region</u> of an image frame, but only for regions in which <u>calculation shows white value extraction has occurred</u>. The Examiner acknowledges this in the above-quoted statement by stating that "then an average ([R(Ymax, B(Ymax]) is found for the maximum brightness levels of the <u>blocks that were considered to be within the white extraction region</u>." (emphasis added). Accordingly, the Takei patent fails to teach or suggest a "peak value acquiring part which acquires a peak value of brightness and color signal values corresponding to the peak value of brightness obtained in a <u>predetermined region</u> of the image signals by said image pickup device", as required in one form or another by applicant's amended independent claims.

More particularly, the Takei patent operates differently than applicant's claimed invention. For example, in the case that the white part of an image is very small compared to

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the background, accurate white extraction cannot be accomplished since the average of the color image is more biased to chromatic color in the background than the white color. (Page 6, line 18 though page 7, line 4, of applicant's specification). In such case, the white part (maximum brightness) in the Takei patent cannot be detected, since the maximum brightness level is computed within regions in which an _accurate_ white extraction was _not_ performed (column 15, lines 27-30). That is, in the Takei patent the white part in other regions in the image plane in which white extraction was not performed, is not and cannot be detected.

In contrast, in the present invention, in the above situation, the problem is solved, since a _predetermined region_ is used for the peak value detection so that the small white part which cannot be detected by the average value calculating part can be detected as the peak value of brightness by the peak value acquiring part. (Page 23, line 6, through page 25, line 2, of applicant's specification).
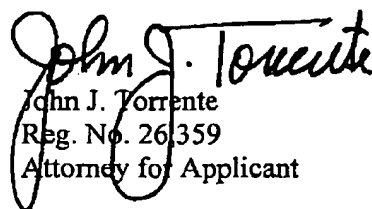
Applicant's amended independent claims 1, 6, 8, 13, 15, 20 and 22, and their respective dependent claims, thus patentably distinguish over the Takei patent.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: July 9, 2004   Respectfully submitted,

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